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Attorneys for Defendant  
GOOGLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF DAVID ZIMMER  
IN SUPPORT OF GOOGLE INC.'S  
OPPOSITION TO ORACLE'S MOTION  
TO STRIKE PORTIONS OF DR. JAMES  
KEARL'S EXPERT REPORT**

Dept.: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Hon. William Alsup

1 I, DAVID ZIMMER, declare as follows:

2 1. I am an associate with the law firm of Kecker & Van Nest LLP, counsel to Google  
3 Inc. ("Google") in the present case. I submit this declaration in support of Google's Opposition  
4 to Oracle America, Inc.'s ("Oracle") Motion to Strike Portions of Dr. James Kearl's Expert  
5 Report. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto  
6 could do so competently under oath.

7 2. Attached as **Exhibit A** are true and correct copies of excerpted pages from the  
8 transcript of the deposition of Aditya Agarwal, taken April 8, 2011.

9 3. Attached as **Exhibit B** is a true and correct copy of Oracle's March 10, 2011 Rule  
10 30(b)(6) notice to Google.

11 4. Attached as **Exhibit C** is a true and correct copy of Google's March 25, 2011  
12 responses and objections to Oracle's March 10, 2011 deposition notice.

13 I declare under penalty of perjury that the foregoing is true and correct and that this  
14 declaration was executed at San Francisco, California on April 6, 2012.

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16 By: /s/ David Zimmer  
17 DAVID ZIMMER  
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